IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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1. SPL. APPL. WRIT No. 350 of 2007

SUCHA SINGH
V/S
STATE & ORS.

2. SPL. APPL. WRIT No. 97 of 2007

MAJOR SINGH
V/S
STATE & ORS.

3. SPL. APPL. WRIT No. 275 of 2007

SUMAN BALA
V/S
STATE & ORS.

4.SPL. APPL. WRIT No. 347 of 2007

JASVEER KAUR
V/S
STATE & ORS.

5. SPL. APPL. WRIT No. 348 of 2007

MAHENDRA KUMAR
V/S
STATE & ORS.

6. SPL. APPL. WRIT No. 349 of 2007

SUKHMANDER SINGH
V/S
STATE & ORS.

7. SPL. APPL. WRIT No. 351 of 2007

GURTEJ SINGH
V/S
STATE & ORS.

8. SPL. APPL. WRIT No. 352 of 2007

BALRAJ SINGH
V/S
STATE & ORS.

9. SPL. APPL. WRIT No. 353 of 2007

PRITAM SINGH
V/S
STATE & ORS.

Mr. GR GOYAL, for the appellant / petitioner

Mr. NM LODHA,AAG, for the respondent

Date of Order : 25.10.2007

HON'BLE SHRI N P GUPTA,J.
HON'BLE SHRI MUNISHWAR NATH BHANDARI,J.

ORDER

All these appeals involve common question of law and facts, and as such they are being decided by this common order.

The learned Single Judge has dismissed the writ petition on the ground of appellant having alternative remedy of appeal against the order of suspension under Rule 22, and has relied upon judgment of Hon'ble the Supreme Court in Noble Resources Ltd. Vs. State of Orissa reported in 2006 AIR SCW-5408.

It was contended by the learned counsel for the appellant that the suspension was made way back on 3.8.2006, and no enquiry has been initiated at all, and the petitioners could not be kept under suspension indefinitely. It was also submitted that from the documents

annexed with the writ petition it is clear that the respondent themselves have verified the genuineness of the qualifications, and therefore, there was no occasion for suspension.

Mr. Lodha submits that the charges have already been framed, and charge sheet has also been issued, and to some of the petitioners it has also been served. So far verification is concerned, he submits that the petitioners were called upon number of times to produce the original documents, but they failed, and the verification relied upon by the petitioners is also very much doubtful, but then since the matter is pending enquiry in disciplinary proceedings it would not be conducive in the interest of justice to contest anything in these proceedings about validity of the qualifications. Mr. Lodha submits that the appellants clearly has a remedy of appeal under Rule 22, and there was no occasion for him to file the writ petitions, and the same have rightly been dismissed by the learned Single Judge.

In our view, in view of the fact that charge-sheets have already been issued, and has been served on some of the persons, and obviously it would be served on others also, and in view of the fact that the charges relate to the precise question about academic qualification claimed by the appellants to be under cloud, we do not find

any error on the part of the learned Single Judge in passing the impugned order. The appeals are, therefore, dismissed. However, it is clarified that it will be open to the appellants to file appeals under Rule 22 if they so like within a period of one month from today, and in case such appeals are filed, the appellate authority is directed to consider the appeal on merits objectively and dispassionately, and not to dismiss the appeal on the ground of limitation.

(MUNISHWAR NATH BHANDARI),J. (N P GUPTA),J.

/sushil/